

Advisory Opinion

IECDB AO 2010-02

April 29, 2010

Subject: Dates/Times for Filing Campaign Reports/Opinions 2008-13 & 2009-02 Updated

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(12) and rule 351-1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on dates/times for filing campaign reports. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

OPINION:

Iowa Code section 68A.401 and 68A.402 set out due dates for campaign reports by committee. Due to amendments to the laws and the various effective dates of the amendments, the Board issued IECDB Advisory Opinion 2008-13 and 2009-02. Additional legislation has been enacted and the Board issues this updated opinion.

Amendments Effective July 1, 2007:

1. Any campaign report that is due 5 days prior to an election must be physically received by the Board on the due date to be considered timely filed. "Physically received" means the report is either "electronically filed using the board's electronic filing system or is received by the board prior to 4:30 p.m. on the report due date" (2007 Iowa Acts, Chapter 61, section 1).
2. Ballot issue committees are required to file additional reports in a year that the issue appears on the ballot (2007 Iowa Acts, Chapter 65).

Amendments Effective May 12, 2008:

1. Any campaign report that is due less than 5 days prior to an election must be physically received by the Board on the due date to be considered timely filed. "Physically received" means the report is either "electronically filed using the board's electronic filing system or is received by the board prior to 4:30 p.m. on the report due date" (2008 Iowa Acts, SF2400, sections 24 & 28). This encompasses supplementary

reports filed by the candidates for statewide office and the General Assembly under Iowa Code section 68A.402(2)"b".

Amendments Effective January 1, 2010:

1. A new candidate for statewide office or the General Assembly is required to file by 4:30 p.m. of the due date all statements of organization and campaign reports and is required to do so electronically using the Board's electronic filing system (2007 Iowa Acts, Chapter 80, sections 2 and 5).

Amendments Effective April 8, 2010:

1. A person making an independent expenditure is required to file by 4:30 p.m. of the due date the independent expenditure statement and campaign reports and is required to do so electronically using the Board's electronic filing system (2010 Iowa Acts, Senate File 2354, section 3).

Amendments Effective May 1, 2010:

1. A state statutory political committee (state party) and a political committee expressly advocating for or against the nomination, election or defeat of a candidate for statewide office or the General Assembly (state PAC) is required to file by 4:30 p.m. of the due date all statements of organization and campaign reports and is required to do so electronically using the Board's electronic filing system (2009 Iowa Acts, Senate File 51).

Amendments Effective January 1, 2011:

1. A federal or out-of-state PAC is required to file by 4:30 p.m. of the due date all verified statements of registration (VSRs) and is required to do so electronically using the Board's electronic filing system. In addition, the statutory language concerning the filing of VSRs was moved from Iowa Code section 68A.201(5) to new Iowa Code section 68A.201A (2010 Iowa Acts, Senate File 2128, sections 1 and 2).

2. A county statutory political committee (county central committee) is required to file by 4:30 p.m. of the due date all statements of organization and campaign reports and is required to do so electronically using the Board's electronic filing system (2010 Iowa Acts, Senate File 2128, section 3).

3. Any other candidate or committee involved in a county, city, school, or other political subdivision election that exceeds \$2,000 in campaign activities is required to file by 4:30 p.m. of the due date all statements of organization and campaign reports and is required to do so electronically using the Board's electronic filing system. The committee is mandated to continue filing all subsequent statements and reports electronically until being certified as dissolved (2010 Iowa Acts, Senate File 2128, section 3).

Amendments Effective January 1, 2012:

1. All candidates for statewide office or the General Assembly are required to file by 4:30 p.m. of the due date all statements of organization and campaign reports and are required to do so electronically using the Board's electronic filing system (2007 Iowa Acts, Chapter 80, sections 2 and 5).

In closing, the Board notes that a statement of organization or campaign report that is not due by 4:30 p.m. of a due date is considered timely filed if it is filed by 11:59:59 the night of the due date or is mailed using a United States Postal Service postmark on the due date.

IECDB Advisory Opinions 2008-13 and 2009-02 remain accurate as the only additions are for new requirements that do not invalidate provisions of the previous opinions.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair
Gerald Sullivan
Betsy Roe
John Walsh
Patricia Harper
Saima Zafar

Submitted by: W. Charles Smithson, Board Legal Counsel

¹ Note that with the amendments effective January 1, 2011, some of these reports will be mandated to be filed electronically as set out below.